

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JAN 09 2024

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MENDOZA-ENRIQUEZ, a.k.a.
"Cholo,"

Defendant.

CRIMINAL NO. 24-0034 mvh

18 U.S.C. § 371: Conspiracy.

INDICTMENT

The Grand Jury charges:

The Lacey Act, Title 16, United States Code, Section 3371 *et seq.*, prohibits the transport, sale, and attempt to transport and sell, wildlife, when a person is aware that said wildlife was taken, possessed, transported, or sold in violation of federal laws or regulations. 16 U.S.C. §§ 3372(a)(1), 3373(d).

From on or about November 20, 2022, and continuing to on or about January 10, 2023, in Bernalillo County, in the District of New Mexico and elsewhere, the defendant, **DAVID MENDOZA-ENRIQUEZ**, unlawfully, knowingly, and willfully combined, conspired, confederated, agreed, and acted interdependently with other persons whose names are known and unknown to the Grand Jury, to transport and sell a tiger cub (*Panthera tigris*) ("Duke"), that had been possessed, transported and sold contrary to The Endangered Species Act, namely 16 U.S.C. §§ 1538(a)(1) and (c), 50 C.F.R. §§ 14.61, 23.20, and 23.35, all in violation of 16 U.S.C. §§ 3372(a)(1) and 3373(d)(1)(A).

Manner and Means

The manner and means by which the defendant, **DAVID MENDOZA-ENRIQUEZ**, sought to accomplish the objectives of the conspiracy included, among other things, the following:

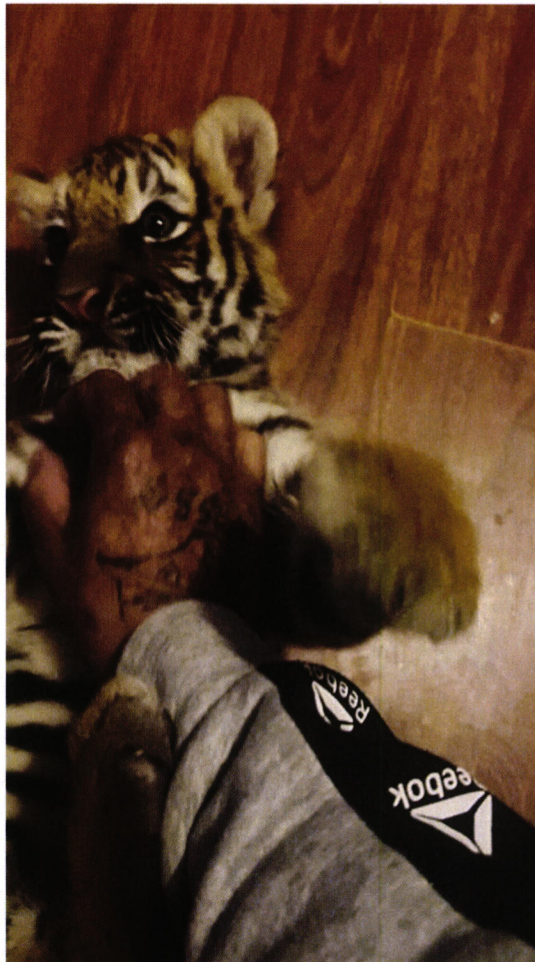
- a. Contacting a Mexican distributor of tigers and other exotic animals to arrange for the importation of Duke;
- b. Keeping Duke in various locations throughout Bernalillo County, in part to conceal Duke from law enforcement officers; and
- c. Sending messages via WhatsApp and Facebook in order to offer Duke for sale for thousands of dollars.

Overt Acts

In furtherance of the conspiracy, and to affect the objects thereof, the following overt acts, among others, were committed in the District of New Mexico, and elsewhere:

- a. Between on or about November 20, 2022, and on or about December 2, 2022, **DAVID MENDOZA-ENRIQUEZ** and others transported, and caused others to transport, Duke from Mexico into New Mexico, without presenting a CITES permit, without possessing a wildlife importer license, and without declaring Duke to the U.S. Fish and Wildlife Service.
- b. On or about November 23, 2022, **DAVID MENDOZA-ENRIQUEZ** sent a WhatsApp message that read, after translation from Spanish: "Right now, what I have for sale here are two tigers."
- c. On one or more dates between December 2, 2022 and January 10, 2023, **DAVID MENDOZA-ENRIQUEZ** and others possessed Duke in or around Albuquerque, New Mexico.

i. On or about December 4, 2022, **DAVID MENDOZA ENRIQUEZ** captured a video of himself with Duke, with a distinctive tattoo visible on his hand. A photograph taken from that video appears below.



ii. On or about December 21, 2022, **DAVID MENDOZA ENRIQUEZ** again captured a video of himself with Duke, with a distinctive tattoo visible on his hand. A photograph taken from that video appears below.



iii. On or about December 25, 2022, **DAVID MENDOZA ENRIQUEZ** sent a photo of Duke via Facebook. That photograph appears below.



d. On or about December 17, 2022, **DAVID MENDOZA-ENRIQUEZ** offered to sell Duke for \$16,000.00.

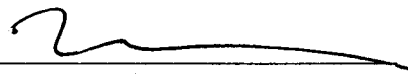
e. On or about January 5, 2023, **DAVID MENDOZA-ENRIQUEZ** sent text messages to an unknown person using the phone number (505) 502-8935. This person asked **DAVID MENDOZA-ENRIQUEZ** to “come for the tiger” because “there is cops outside.” **DAVID MENDOZA-ENRIQUEZ** responded, in relevant part, that he had arranged for someone to come pick up the tiger.

In violation of 18 U.S.C. § 371.

A TRUE BILL:

15

FOREPERSON OF THE GRAND JURY


Assistant United States Attorney
EYR